IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:)Attorney Docket No.: F-723

Robert H. Kummer Jr. et al.)Group Art Unit: 3628

Serial No.: 10/664,674)Examiner: E. Liou

Filed: September 18, 2003)Date: October 11, 2007

Confirmation No.: 4064

Title: Method and System for Automatically Associating a Manually Entered Postage Amount to a Class of Service

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 1-15 of the above-identified application mailed June 5, 2007. A Notice of Appeal was filed on Sept. 4, 2007.

The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. **16-1885**.

I.   Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II.   Related Appeals and Interferences

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III.   Status of Claims

Claims 1-15 are on appeal and stand rejected under U.S.C. § 103(a) as being unpatentable over Barns-Slavin et al. (U.S. 5,072,397) in view of Raju et al. (U.S. Publication No. 2003/0037008) and further in view of Chernin (U.S. 6,643,694).

IV.   Status of Amendments

An Amendment After Final Rejection was filed on August 6, 2007, and entered by the Examiner. The claims as set forth in Appendix A to this brief include the amendments made in the amendment filed on August 6, 2007, and entered by the Examiner.

V.   Summary of Claimed Subject Matter

This summary and references to specific page and line numbers, figures and reference characters is not intended to supplant or limit the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification.

Appellants' invention relates to a method and system for processing one or more mail pieces to automatically associate a manually entered postage amount to a class of service that supports the entered postage amount and to a system which implements the method.

Independent claim 1 is directed to a method for processing one or more mail pieces that comprises "receiving a postage amount entered by a user, said postage amount to be applied to said one or more mail pieces," (see Fig. 3A, item S1 and corresponding description in paragraph [0017]); "searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount," (see Fig. 3A, item S4 and corresponding description in paragraph [0017]); "if no class of service having a postage rate that matches said postage amount is found, displaying an error message," (see Fig. 3A, item S6 and corresponding description in paragraph [0018]); "if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user," (see Fig. 3B, item S8 and corresponding description in paragraph [0019]); "receiving a selected class of service, said selected class of service being selected by said user from said displayed one or more classes of service," (see Fig. 3B, item S9 and corresponding description in paragraph [0019]); "applying said postage amount to said one or more mail pieces," (see Fig. 3B, item S11 and corresponding description in paragraph [0019]); and "storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service" (see Fig. 3B, item S11 and corresponding description in paragraph [0019]).

Independent claim 8 is directed to a mail processing system that comprises "a metering/printing module for applying postage values to one or more mail pieces," (see Fig. 2, item 44 and corresponding description in paragraph [0014]); "a display," (see Fig. 2, item 22 and corresponding description in paragraph [0014]); "a central processing unit controlling operation of said metering/printing module and said display," (see Fig. 2, item 40 and corresponding description in paragraph [0014]); and "a memory storing information including one or more rate tables and software executable by said central processing unit, said software including instructions for," (see Fig. 2, item 46 and corresponding description in paragraphs [0014] and [0015]); "(a) receiving a postage amount entered by a user, said postage amount to be applied to said one or more mail pieces," (see Fig. 3A, item S1 and corresponding description in paragraph

[0017]); "(b) searching said information for one or more classes of service having a postage rate that matches said postage amount," (see Fig. 3A, item S4 and corresponding description in paragraph [0017]); "(c) if no class of service having a postage rate that matches said postage amount is found, displaying an error message," (see Fig. 3A, item S6 and corresponding description in paragraph [0018]); "(d) if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service on said display," (see Fig. 3B, item S8 and corresponding description in paragraph [0019]); "(e) receiving a selected class of service, said selected class of service being chosen by said user from said displayed one or more classes of service," (see Fig. 3B, item S9 and corresponding description in paragraph [0019]); "(f) causing said metering/printing module to apply said postage amount to one of said one or more mail pieces or a tape to be applied to said one or more mail pieces," (see Fig. 3B, item S11 and corresponding description in paragraph [0019]); and "(g) storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service" (see Fig. 3B, item S11 and corresponding description in paragraph [0019]).

Additional features of the invention are discussed below in the Argument section of this Brief.

VI.   Grounds of Rejection to be Reviewed on Appeal

A.   Whether the subject matter defined in claims 1-15 is unpatentable over Barns-Slavin et al. (U.S. 5,072,397) in view of Raju et al. (U.S. Publication No. 2003/0037008) and further in view of Chernin (U.S. 6,643,694).

VII.   Argument

As Appellants discuss in detail below, the final rejection of claims 1-15 is devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of

unpatentability. For this reason alone, Appellants are entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A.   The subject matter defined in claims 1-15 is not rendered obvious by Barns-Slavin et al. (U.S. 5,072,397) in view of Raju et al. (U.S. Publication No. 2003/0037008) and further in view of Chernin (U.S. 6,643,694).

Barns-Slavin is directed to a carrier management system that includes a scale for weighing parcels to be shipped, a computer connected to receive data from the scale related to the weight of the parcel, and a keyboard enabling operator input to the computer. The keyboard has a plurality of selection keys corresponding to carriers and classes. (Col. 1, lines 53-59). In operation, a parcel is placed on the scale and the user is prompted to enter an identification number of the parcel. Next the user is prompted to enter a carrier/class selection. In response thereto, the user depresses one of the keys of the keyboard to select the desired carrier and class of service. (Col. 4, line 61 to Col. 5, line 14). Based on the selection of the carrier and class made by the user, and the weight of the parcel from the scale, the system then calculates the rate for shipping the parcel. (See Col. 3, lines 20-42). Thus, the system in Barns-Slavin operates similarly to the conventional systems described in the Background portion of the Specification (Paragraph [0003]), in which a user weighs a mail piece, selects a class of service and the system determines the proper postage for the mail piece based on the measured weight and class of service. As noted in the Office Action, there is no disclosure, teaching or suggestion in Barns-Slavin of receiving a postage amount from the user; searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches the postage amount; if no class of service having a postage rate that matches the postage amount is found, display an error message, or if one or more classes of service having a postage rate that matches the postage amount is found, displaying the found one or more classes of service to the user.

To overcome the above deficiencies, the Office Action relies on the reference to Raju. Raju is directed to a system that allows a user to print a sheet of stamps having user selected values. In Raju, the user inputs a price in the individual rate input field of the particular label panel, and then clicks on the corresponding postage rate class menu button and selects a postage

rate class. ((Paragraph [0083]). Thus, in Raju, the user inputs a desired postage rate and the user selects a postage rate class. The system in Raju does not perform any type of searching of any information including one or more rate tables for one or more classes of service having a postage rate that matches the postage amount. The user manually selecting a postage amount and then manually selecting a postage class is not the same as searching rate tables for one or more classes of services having a postage rate that matches the postage amount. In Raju, the user can select any class of service, even if the selected class of service does not support the input postage rate.

Furthermore, since the system of Raju does not perform any type of searching to determine if there are any classes of service having a postage rate that matches the postage amount, the system in Raju will never display an error message if no class of service having a postage rate that matches the postage amount is found, or if one or more classes of service having a postage rate that matches the postage amount is found, display the found one or more classes or service to the user. The system in Raju utilizes a drop down menu box to allow the user to select the desired class of service (see Fig. 13, element 1123-11). The system of Raju does not search for a class of service having a postage rate that matches the input postage amount, it simply displays all classes and allows the user to make a selection, regardless of whether or not the selected class supports the input postage rate. There is no disclosure, teaching or suggestion in Raju of "searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount; if no class of service having a postage rate that matches said postage amount is found, displaying an error message; if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user" as is recited in claim 1.

The reference to Chernin was relied upon to teach displaying an error message if no matches are found. The system in Chernin is directed to an e-mail system that searches e-mail archives for a text string input by a user. There is no disclosure, teaching or suggestion in Chernin of "searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount; if no class of service having a postage rate that matches said postage amount is found, displaying an error message; if

one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user" as is recited in claim 1.

None of the references, either alone or in any combination, disclose, teach or suggest all of the features of the present invention.

For at least the above reasons, Appellants respectfully submit that the final rejection as to claim 1 is in error and should be reversed. Claims 2-7 are dependent upon claim 1, and therefore include all of the limitations of claim 1. For the same reasons the final rejection as to claim 1 is in error, Appellants respectfully submit that the rejection of claims 2-7 is similarly in error and should be reversed.

Independent claim 8 includes limitations substantially similar to those of claim 1. For the same reasons given above with respect to claim 1, Appellants respectfully submit that the final rejection as to claim 8 is in error and should be reversed. Claims 9-15 are dependent upon claim 8, and therefore include all of the limitations of claim 8. For the same reasons the final rejection as to claim 8 is in error, Appellants respectfully submit that the rejection of claims 9-15 is similarly in error and should be reversed.

VIII.   Conclusion

In Conclusion, Appellants respectfully submit that the final rejection of claims 1-15 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,

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Attachments - Appendix A – Claims Appendix (3 pages)
                   Appendix B – Evidence Appendix (1 page)
                   Appendix C – Related Proceedings Appendix (1 page)

APPENDIX A – Claims Appendix

1.   A method for processing one or more mail pieces, comprising:

receiving a postage amount entered by a user, said postage amount to be applied to said one or more mail pieces;

searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount;

if no class of service having a postage rate that matches said postage amount is found, displaying an error message;

if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user;

receiving a selected class of service, said selected class of service being selected by said user from said displayed one or more classes of service;

applying said postage amount to said one or more mail pieces; and

storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service.

2.   A method according to claim 1, wherein said displayed one or more classes of service each have a weight that corresponds to said postage amount, said transaction information further including said weight for said selected class of service.

3.   A method according to claim 2, said displaying step further comprising displaying each of said weights along with said one or more classes of service.

4.   A method according to claim 2, wherein said selected class of service and said weight for said selected class of service are applied to said one or more mail pieces.

5.   A method according to claim 1, wherein after said postage amount is received, said method further comprises prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, and proceeding to said searching step only if said user provides an indication of said desire.

6.   A method according to claim 1, wherein said selected class of service is applied to said one or more mail pieces.

7.   A method according to claim 1, said one or more mail pieces comprising a batch of mail pieces.

8.   A mail processing system, comprising:

a metering/printing module for applying postage values to one or more mail pieces;

a display;

a central processing unit controlling operation of said metering/printing module and said display; and

a memory storing information including one or more rate tables and software executable by said central processing unit, said software including instructions for:

(a)   receiving a postage amount entered by a user, said postage amount to be applied to said one or more mail pieces;

(b)   searching said information for one or more classes of service having a postage rate that matches said postage amount;

(c)   if no class of service having a postage rate that matches said postage amount is found, displaying an error message;

(d)   if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service on said display;

(e)   receiving a selected class of service, said selected class of service being chosen by said user from said displayed one or more classes of service;

(f)   causing said metering/printing module to apply said postage amount to one of said one or more mail pieces or a tape to be applied to said one or more mail pieces; and

(g)   storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service.

9.   A mail processing system according to claim 8, wherein said displayed one or more classes of service each have a weight that corresponds to said postage amount, said transaction information further including said weight for said selected class of service.

10.   A mail processing system according to claim 9, said instructions for displaying further comprising instructions for displaying each of said weights along with said one or more classes of service.

11.   A mail processing system according to claim 8, said one or more mail pieces comprising a batch of mail pieces.

12.   A mail processing system according to claim 8, said software further including instructions for after receiving said postage amount, prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, said central processing unit executing instructions (b) through (g) only if said user provides an indication of said desire.

13.   A mail processing system according to claim 8, further comprising an input device for enabling said user to enter said postage amount and choose said selected class of service.

14.   A mail processing system according to claim 8, said instructions for causing further comprising instructions for causing said metering/printing module to apply said selected class of service to one of said one or more mail pieces or a tape to be applied to said one or more mail pieces.

15.   A mail processing system according to claim 9, said instructions for causing further comprising instructions for causing said metering/printing module to apply said selected class of service and said weight for said selected class of service to one of said one or more mail pieces or a tape to be applied to said one or more mail pieces.

APPENDIX B – EVIDENCE APPENDIX

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by Appellant in the appeal.

APPENDIX C – RELATED PROCEEDINGS APPENDIX

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.